



January 24, 2001

Ms. Sandra C. Houston
General Counsel
Arlington Independent School District
1203 West Pioneer Parkway
Arlington, Texas 76013-6246

OR2001-0275

Dear Ms. Houston:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 143486.

The Arlington Independent School District (the "district") received a written request from a district employee for, among other things, "all reference forms for my application for a teaching position."¹ You contend that the requestor had previously signed a "waiver" of his right to review the information at issue, and that the district therefore is not required to release the information to the requestor.

It is well established that a governmental body cannot, through a contract, overrule or repeal provisions of the Public Information Act (the "act"). Attorney General Opinion JM-672 (1987); *see also Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976), *cert. denied* 430 U.S. 931 (1977). Consequently, information is not confidential under the act simply because the party submitting the information anticipates or requests that it be kept confidential.

We further note that the act requires that a governmental body must treat all requests for public information uniformly. *See* Gov't Code § 552.223. Accordingly, the district may not treat the current request any differently than a request for the same information from any other member of the public. Open Records Decision No. 283 at 2 (1981); *see also* Gov't

¹You inform this office that the district does not possess the other information sought by the requestor.

Code § 552.007 (prohibiting selective disclosure). Consequently, unless the requested information falls within one of the act's exceptions to disclosure, the information must be released, notwithstanding any "contract" between the district and the requestor specifying otherwise. Because you have raised no applicable exception to the information at issue, we conclude that the district must release the information to the requestor in its entirety.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

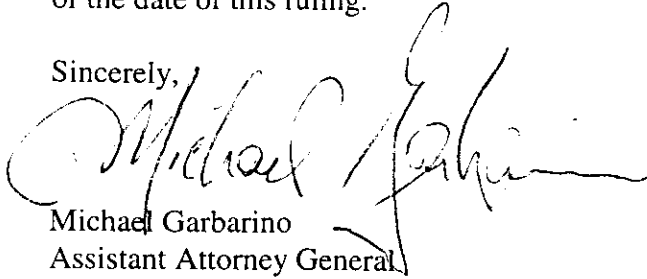
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Garbarino". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Garbarino
Assistant Attorney General
Open Records Division

MG/RWP/seg

Ref: ID# 143486

Encl. Submitted documents

cc: Mr. Ronald R. Green
2412 Pecan Valley
Cleburne, Texas 76031
(w/o enclosures)